

401 KAR 5:057. KPDES pretreatment requirements.

RELATES TO: KRS 61.870-61.884, 224.01-010, 224.70-100, 224.70-120, 224.99-010, 40 C.F.R. 1.25(e), 25, 131, 136, 258, 261, 401-471, 403 Appendix D, 503, 33 U.S.C. 1251-1387, 42 U.S.C. 6901, 6902, 6905, 6907, EO 2008-507, 2008-531

STATUTORY AUTHORITY: KRS 224.10-100, 224.16-050, 224.70-110, 224.73-120, 40 C.F.R. 1.25(e), 25, 33 U.S.C. 1251-1387, 42 U.S.C. 6901, 6902, 6905

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.16-050 authorizes the cabinet to implement the Federal Water Pollution Control Act, 33 U.S.C. 1251-1387. KRS 224.73-120 authorizes the cabinet to apply and enforce against users of publicly owned treatment works the requirements of monitoring, recordkeeping and reporting, effluent limitations, and pretreatment standards for the introduction of pollutants into treatment works. EO 2008-507 and 2008-531, effective June 16, 2008, abolish the Environmental and Public Protection Cabinet and establish the new Energy and Environment Cabinet. This administrative regulation implements 33 U.S.C. 1311, 1314, 1317, 1318, 1319, 1342, and 1345, as these federal statutes relate to the cabinet's pretreatment program. This administrative regulation establishes responsibilities of the Commonwealth of Kentucky, local government, industry, and the public to implement the national pretreatment program to control pollutants in accordance with 40 C.F.R. 403.1

Section 1. Purpose and applicability shall be as established in 40 C.F.R. 403.1, July 1, 2006.

Section 2. This administrative regulation shall not affect pretreatment requirements established by local law if those requirements are not less stringent than those established in state or national pretreatment standards or other requirements or prohibitions established under the National Water Pollution Control Act, 33 U.S.C. 1251-1387 or this administrative regulation.

Section 3. Pretreatment Standards: Prohibited Discharges. Prohibited discharges shall be as established in 40 C.F.R. 403.5, July 1, 2006.

Section 4. National Pretreatment Standards: Categorical Standards. Categorical standards shall be as established in 40 C.F.R. 403.6, July 1, 2006.

Section 5. The granting of removal credits shall be as established in 40 C.F.R. 403.7, July 1, 2006.

Section 6. The development by a POTW of pretreatment program requirements shall be as established in 40 C.F.R. 403.8, July 1, 2006.

Section 7. The submission for approval of a pretreatment program or authorization to revise pretreatment standards shall be as established in 40 C.F.R. 403.9, July 1, 2006.

Section 8. The approval procedures for POTW pretreatment programs and POTW granting of removal credits shall be as established in 40 C.F.R. 403.11, July 1, 2006.

Section 9. The reporting requirements for POTWs and industrial users shall be as established in 40 C.F.R. 403.12, July 1, 2006.

Section 10. Variances from categorical pretreatment standards as a result of fundamentally different factors shall be as established in 40 C.F.R. 403.13, July 1, 2006.

Section 11. Confidentiality. (1) Authorities. In accordance with KRS 224.10-210 and 224.10-212, information submitted to the cabinet pursuant to this administrative regulation may be claimed as confidential by the submitter.

(2) POTW. All other information submitted to the POTW shall be available to the public at least to the extent provided by KRS 61.870 to 61.884.

Section 12. Net-gross calculation shall be as established in 40 C.F.R. 403.15, July 1, 2006.

Section 13. Upset provisions shall be as established in 40 C.F.R. 403.16, July 1, 2006.

Section 14. Bypasses shall be as established in 40 C.F.R. 403.17, July 1, 2006.

Section 15. Modification of POTW pretreatment programs shall be as established in 40 C.F.R. 403.18, July 1, 2006.

Section 16. Pretreatment program reinvention pilot projects under Project XL shall be as established in 40 C.F.R. 403.20, July 1, 2006.

Section 17. Substitution. "Cabinet" shall replace "Director" in the federal regulations cited in Sections 1 through 16 of this administrative regulation. (20 Ky.R. 3358; Am. 21 Ky.R. 378; eff. 8-24-94; 29 Ky.R. 1035; 1549; eff. 12-18-2002; 359; 1168; eff. 11-12-2008.)